

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--|--|---------------------------|--|------------------------------------|---------------------------------|
| Investigator: Mac Muir | Team: Squad #6 | CCRB Case #: 202004389 | <input checked="" type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Tuesday, 06/02/2020 10:32 PM | Location of Incident: West 25th Street and 6th Avenue | Precinct: 13 | 18 Mo. SOL 12/2/2021 | EO SOL 5/4/2022 | |
| Date/Time CV Reported Wed, 06/03/2020 3:22 PM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Thu, 06/18/2020 10:43 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |
| | | |
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|--------------------|--------|-------|---------|
| 1. An officer | | | |
| 2. Officers | | | |

| Officer(s) | Allegation | Investigator Recommendation |
|---------------|--|-----------------------------|
| A. An officer | Force: An officer used physical force against § 87(2)(b) | |
| B. Officers | Force: Officers used physical force against individuals. | |
| C. Officers | Force: Officers struck an individual with an asp. | |

Case Summary

On June 4, 2020, § 87(2)(b) submitted the following complaint with IAB via telephone. On June 18, 2020, it was received at the CCRB via Log #20-14810.

On June 2, 2020, at approximately 10:30 p.m., § 87(2)(b) participated in an approximate 10,000-person protest that had moved to the intersection of West 25th Street and 6th Avenue in Manhattan. Unknown officers spread across the south side of West 25th Street, preventing the protesters from moving forward. § 87(2)(b) walked on West 25th Street with his arms outstretched, moving with the crowd away from the officers. An unknown officer followed § 87(2)(b) with an asp held close to his chest, and then forced it outward, striking § 87(2)(b) in the back (**Allegation A: Force: § 87(2)(g)**). The officer then pushed § 87(2)(b)'s shoulder with the asp one or two more times (**within Allegation A**). Other unknown officers pushed three or four individuals to the ground, striking the individuals in the same manner as § 87(2)(b) (**Allegation B: Force: § 87(2)(g)**). The officer who pushed § 87(2)(b) approached an unknown female individual, who pointed a cell phone at the officer. She walked backwards with her hands up, repeatedly saying, "Peaceful protest." Another unknown officer approached the unknown female individual and struck her directly in the mouth with his asp (**Allegation C: Force: § 87(2)(g)**). The female individual stumbled backward, dropped her cell phone, and began to cry. An unknown male individual jumped in front of the female individual and said, "What the fuck." An unknown officer punched the male individual in the face (**within Allegation B**). § 87(2)(b) picked up the female individual's cell phone and handed it to her. She, the male individual, and § 87(2)(b) ran east on West 25th Street. § 87(2)(b) walked to Madison Square Park and left alone without further incident.

The investigation did not obtain video of this incident.

Findings and Recommendations

Allegation A – Force: An officer used physical force against § 87(2)(b)

Allegation B – Force: Officers used physical force against individuals.

Allegation C – Force: Officers struck § 87(2)(b) with an asp.

Known facts and general descriptions

§ 87(2)(b) did not know anyone else present at this protest and went to the protest alone. He did not know the identities of any victims. He did not obtain any officers' shield numbers, or any distinct information that would distinguish the officers in a large crowd. The investigation had no evidence to indicate who the unknown victims in this case were. § 87(2)(b) did not know either of the unknown alleged victims and did not make any video recordings.

A search of the Complaint Tracking System (CTS) revealed no additional complaints regarding this incident. However, Case #202003829 contained footage of the live § 87(2)(b) coverage of the moments leading up to this incident (BR 01-15). The footage depicted officers from an array of commands, with identifiable helmet numbers, approaching a several hundred civilians at the intersection of West 25th Street and 6th Avenue. However, the § 87(2)(b) camera crew did not follow the crowd east on West 25th Street. The footage did not capture the area in which the alleged force was used or the time at which it would have happened. Because the footage only captured officers who were not near § 87(2)(b) when the alleged force was used, it did not help to identify potential subject or witness officers.

A search of Google News and Twitter for media coverage of this incident yielded negative results.

BWC

No BWC or TARU footage was found regarding this complaint. Four requests for BWC footage, each of which provide additional detail about the incident, yielded negative results (BR 16-18, 22).

On July 21, 2020, a request for surveillance was submitted to the Technical Assistance Response Unit (TARU). On December 31, 2020, the CCRB received a response that the footage had expired after 30 days (BR 20).

NYPD Documents Reviewed

Event #§ 87(2)(g) appeared to be related to this incident in time and location. However, it showed only one unit (DETAILPP) responding to a group of 1000 looters. No additional information clarified who was present.

A search of the Booking and Arraignment Disposition System (BADS) revealed no arrests relevant to this incident (BR 19).

Concurrent Investigations

According to IAB, this case was sent to Manhattan South Investigations and was closed (BR 21). A Reznick Request has been submitted and the results will be added to the case file upon receipt.

Ranking Officers

The investigation could not determine which ranking officers may have been present. The investigation obtained no evidence indicating that a ranking officer witnessed this incident.

Officers Interviewed

No officers were interviewed regarding this complaint.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 0X).

Mediation, Civil and Criminal Histories

- This case was not eligible for mediation.
- § 87(2)(b)
- A Notice of Claim request has been submitted to the NYC Comptroller's Office and the results will be added to the case file upon receipt.

Squad 6

Investigator: Mac Muir Supervising Investigator Mac Muir 03.04.2021
Signature Print Title & Name Date

Squad Leader: Jessica Peña IM Jessica Peña 3/4/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date